

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BARTECH SYSTEMS INTERNATIONAL, INC.,)
)
 Plaintiff(s),)
)
 vs.)
)
 MOBILE SIMPLE SOLUTIONS, INC., et al.,)
)
 Defendant(s).)
 _____)

Case No. 2:15-cv-02422-MMD-NJK

ORDER

On November 14, 2016, Defendant Mobile Simple Solutions filed a notice on the docket stating that it has initiated bankruptcy proceedings in Canada. Docket No. 162. The Court construed Defendant's notice as a motion to stay this case. Docket No. 171. On December 2, 2016, the Court denied without prejudice Defendant's motion to stay for failure to show compliance with the requirements for recognition of a "foreign main proceeding" in the United States Bankruptcy Court. *Id.* On December 21, 2016, Defendant filed another notice of bankruptcy, this time suggesting that it was filing for bankruptcy directly with the United States Bankruptcy Court. Docket No. 176. On December 22, 2016, therefore, the Court applied the law relevant to United States bankruptcy proceedings and stayed the case as to Defendant Mobile Simple Solutions, Inc. Docket No. 179.

1 Also on December 22, 2016, Defendant filed an amended notice of bankruptcy notifying the
2 Court that Defendant has actually petitioned the United States Bankruptcy Court to recognize its
3 Canadian bankruptcy proceeding as the “foreign main proceeding.” Docket No. 181. In this
4 situation, an automatic stay will not take effect until Defendant demonstrates that the United States
5 Bankruptcy Court has recognized the Canadian proceeding as the “foreign main proceeding.” *See*
6 11 U.S.C. §§ 1504, 1509, 1515, 1520; *see also Oak Point Partners v. Lessing*, No. 11-CV-03328-
7 LHK, 2013 WL 1703382, at *5 (N.D. Cal. Apr. 19, 2013). Thus far, Defendant has shown only that
8 it has asked the United States Bankruptcy Court to do so. Docket No. 181.

9 Accordingly, the Court hereby **VACATES** its prior order staying this case as to Defendant
10 Mobile Simple Solutions, Inc. Docket No. 179. The Court will impose an automatic stay only if
11 Defendant demonstrates that the United States Bankruptcy Court has recognized its Canadian
12 bankruptcy proceeding as the “foreign main proceeding.”

13 IT IS SO ORDERED.

14 Dated: December 27, 2016

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17 NANCY J. KOPPE
18 United States Magistrate Judge
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